

REMARKS

In the Final Office Action, the Examiner rejected claims 2-4, 6, 9, 21, and 23 under 35 U.S.C. § 102(b) as being anticipated by Yoko (JP-7-135140) as evidenced by Forester et al. (U.S. Patent No. 5,952,243); rejected claims 10-14, 16, 19, and 22 under 35 U.S.C. § 103(a) as being unpatentable over Yoko as evidenced by Forester et al., and in view of May et al. (U. S. Patent No. 5,950,106). Claims 2-4, 6, 9, 10, 12-14, 16, 19, and 21-23 are currently pending.

In the Amendment, Applicant traversed the Examiner's allegation that "Yoko inherently teaches that the SOG film contains water as a solvent during the coating process, which is supported by Forester et al." (Final Office Action, page 3), and argued that Yoko, as evidenced by Forester et al., does not teach, either expressly or inherently, "an aqueous solution," as recited in claim 21. Particularly, Applicant noted: a) Yoko's SOG film is formed from a solution containing an organic solvent, rather than a solution containing water as a solvent; and b) Forester et al. teaches that some SOGs contain water as a solvent, others contain an organic component as a solvent, and that not all SOGs contain water as a solvent. In other words, Forester et al. does not teach that an SOG solution inherently contains water as a solvent.

In response to Applicant's arguments, the Examiner stated that "it is true that not all SOG contains water as a solvent but some SOGs contain water as solvent to form a [uniform] solution or dispersion of the dielectric material as taught by Forester et al (col. 3, lines 62-64)." Advisory Action, Continuation Sheet. Clearly, the Examiner recognized that Forester et al. teaches that an SOG film *MAY OR MAY NOT* contain water as a solvent; or, in other words, an SOG film does not necessarily, or *inherently*,

contain water as a solvent.¹ Therefore, the inherency-based rejection of claims 2-4, 6, 9, 21, and 23 under 35 U.S.C. § 102(b), i.e., "Yoko inherently teaches that the SOG film contains water as a solvent . . . , which is supported by Forester et al." (Final Office Action, page 3), is clearly flawed, because, to sustain such an "inherency" rejection, the Examiner must show, within its four corners, that Forester et al. teaches that an SOG film *inherently* contains water as a solvent. It then appears truly inconsistent when the Examiner on one hand clearly recognized this flaw in the rejection, while on the other hand, is unwilling to withdraw such a flawed rejection. At least for this reason, Applicant respectfully requests that the Examiner reconsider his position.

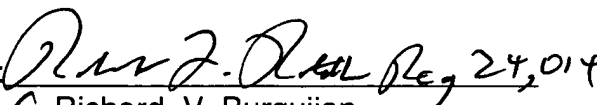
Applicant also respectfully requests the entry of the Amendment After Final filed on October 7, 2003, the Examiner's reconsideration of the application in light of the Amendment and this Supplemental Response, and the timely allowance of the pending claims 2-4, 6, 9-10, 12-14, 16, 19, and 21-23.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully Submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 25, 2003

By:  Reg. No. 31,744
for Richard, V. Burgujian
Reg. No. 31,744

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

¹ A perfect example, of course, would be Yoko itself, wherein the SOG film contains an inorganic, rather than water, as a solvent. This offers strong proof that an SOG film does *NOT* inherently contain water as a solvent. See Amendment, second full paragraph on page 8.